APPENDIX A

Nos. 51903 — 52198

Lee T. Shapiro, Plaintiff-Counter Defendant Appellee	)	
vs.	)	Appeal From Cook Circuit
Irving Shapiro, Defendant-Counter Plaintiff Appellant	)	

The Court having considered the motion of Appellant to extend the time to and including November 30, 1967 in which to file his abstract and brief, as per affidavit filed herein, and the Court having also considered the objections of appellee to said motion, and being now fully advised in the premises, doth order that said motion be and the same is hereby denied.

Motion appellee to dismiss the consolidated appeals, as per affidavit filed herein, and being now fully advised in the premises, doth order that said motion be and the same is hereby allowed.

APPENDIX B

Nos. 51903 — 52198

The Court having considered the motion of Appellant to vacate order entered on November 13th, 1967 dismissing the appeals, and the Court being fully advised in the premises, doth order that the said motion be and is hereby denied.

Motion Appellant for leave of Court to file his abstract and brief, as per affidavit, instanter denied.

APPENDIX C

[In the Supreme Court of Illinois]

Be It Remembered, that, to-wit: on the 27th day of March 1968, the same being one of the days of the term of Court aforesaid, the following proceedings were, by said court, had and entered of record, to-wit:

No. 41141

Lee T. Shapiro, Respondent	)	Petition for Leave to Appeal from Appellate Court, First District. 51903 — 52198 Cons.
vs.	)	
Irving Shapiro, Petitioner	)	

And now on this day the Court having duly considered the Petition for Leave to Appeal herein and being now fully advised of and concerning the premises, doth overrule the prayer of the petition and denies Leave to Appeal herein.

And it is further considered by the Court that the said Respondent recover of and from the said Petitioner costs by him in this behalf expended, to be taxed, and that he have execution therefor.

I, Clell L. Woods, Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of the final order of the said Supreme Court in the above entitled cause of record in my office.

In Witness Whereof, I have hereunto subscribed my name and affixed the Seal of said court this 14th day of June, 1968.

Clell L. Woods, Clerk,
Supreme Court of the State of Illinois.

APPENDIX D

Be It Remembered, that, to-wit: on the 15th day of May, A.D. 1968, the same being one of the days of the term of Court aforesaid, the following proceedings were, by said court, had and entered of record, to-wit:

Lee T. Shapiro, Respondent	)	Petition for Leave to Appeal from Appellate Court, First District. 51903 — 52198 Cons.
No. 41141 vs.	)	
Irving Shapiro, Petitioner	)	

And now, on this day, the Court having duly considered the motion by petitioner for reconsideration of order denying petition for leave to appeal, and being now fully advised of and concerning the premises;

It Is Hereby Ordered that the motion by petitioner for reconsideration of order denying petition for leave to appeal be, and the same is, denied.

I, Clell L. Woods, Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of an order of the said Supreme Court in the above entitled cause of record in my office.

In Witness Whereof, I have hereunto subscribed my name and affixed the Seal of said Court this 14th day of June, A.D. 1968.

Clell L. Woods, Clerk,
Supreme Court of the State of Illinois.

APPENDIX E

In the Appellate Court of Illinois
First District

Lee T. Shapiro, Plaintiff, Counter Defendant Appellee	)	No. 62 S 13500 (Partition) consolidated with 61 S 19203 (Separate Maintenance)
vs.	)	
Irving Shapiro, Defendant, Counter Plaintiff Appellant	)	

MOTION [of December 23, 1966]

Now comes defendant-appellant, Irving Shapiro, by his attorney, Jerome Berkson, and moves this court for an order extending the time to and including January 22, 1967 for the defendant-appellant to file the entire record herein and for an order allowing the defendant-appellant to file a short record herein instanter.

/s/ *Jerome Berkson*
Jerome Berkson
Attorney for Defendant-Appellant

State of Illinois,
County of Cook—ss.

Jerome Berkson, being first duly sworn, on oath deposes and says that he is the attorney retained to prepare the brief in this cause.

That under the rules of this court the defendant-appellant's record is due to be filed on December 23, 1966. That because of the tremendous volume of pleadings, orders and exhibits contained in the record herein, the Clerk of the Circuit Court of Cook County Chancery Division, is unable to complete and prepare the entire record in this cause

within the ten day period alloted by rule of this court from December 13, 1966, the date upon which the transcripts herein were approved and certified, to December 23, 1966.

That by reason thereof, your affiant has directed the Clerk of the aforesaid court to prepare a short record in this cause and prays for leave to file the short record herein instanter and for an order extending the time for filing the complete record herein up to and including January 22, 1967.

That this motion is not interposed for the purpose of delay.

/s/ *Jerome Berkson*

Subscribed and sworn to before me
this 20th day of December, 1966.
Roslyn Simon
Notary Public

* * *

MOTION of February 17, 1967.

Now comes the defendant-appellant, Irving Shapiro, by his attorney, Jerome Berkson, and moves this court for an order extending the time to and including June 1, 1967 for the defendant-appellant to file his abstract and brief in this cause.

/s/ *Jerome Berkson*
Jerome Berkson
Attorney for Defendant-Appellant

State of Illinois,
County of Cook—ss.

AFFIDAVIT

Jerome Berkson, being first duly sworn on oath deposes and says that he is the attorney retained by defendant-appellant, to prosecute this Appeal and to prepare the abstract and brief in this cause.

That under the rules of this court, the defendant's abstract and brief is due to be filed on Monday, February 27, 1967. That in a subsequent proceeding in the trial court recently terminated, a subsequent Notice of Appeal is now being prepared by affiant and preparation being made for a second appeal in the same cause, which your affiant will later move to consolidate with this pending appeal. That in addition, your affiant is presently engaged in the prosecution of two other pending appeals in this court.

That because of the extensive amount of work involved in the other appeals now being prosecuted by affiant and by reason of the fact that the abstract in this cause consists of over several thousand pages of testimony and pleadings, it is impossible for your affiant to complete the work required within the time laid down by the rules of this court.

Wherefore your affiant prays for an order extending the time to and including June 1, 1967, for the defendant-appellant to file his abstract and brief in this cause.

That this motion is not interposed for the purpose of delay.

/s/ *Jerome Berkson*

Subscribed and sworn to before me
this 17th day of February, 1967.
Roslyn Simon
Notary Public

* * *

MOTION of April 10, 1967.

Now comes the defendant-appellant, Irving Shapiro, by his attorney, Jerome Berkson, and moves this court for an order extending the time to and including July 1, 1967, for

the defendant-appellant to file his abstract and brief in this cause.

/s/ *Jerome Berkson*
Jerome Berkson
Attorney for Defendant-Appellant

State of Illinois,
County of Cook—ss. No. 51903

AFFIDAVIT

Jerome Berkson, being first duly sworn on oath deposes and says that he is the attorney retained by defendant-appellant, to prosecute this Appeal and to prepare the abstract and brief in this cause known as #51903.

That under the rules of this court, the defendant's abstract and brief is due to be filed on Monday, April 10, 1967. That in addition to the instant appeal there is now pending in the trial court, a subsequent appeal related to the subject matter of this appeal and which is in the process of being perfected for presentation in this court.

That for the last several months, your affiant has been overwhelmingly engaged in the preparation of another appeal pending in this court, entitled Phillips vs. Phillips, docketed as Appeal #51655 consolidated with #51921. That the time for filing the abstract and brief in said appeal is set for April 14, 1967. That said appeal involves the abstracting of approximately 2000 pages of testimony and over 500 pages of pleadings.

That your affiant is preparing said appeal in abstract and brief form and the argument therein is complicated and lengthy. That by continuous application to the preparation of the Phillips appeal your affiant is now able to file his abstract and brief therein and will do so on or before April 14, 1967.

That upon the completion of the Phillips appeal, as aforesaid, your affiant will be able to devote his fullest attention to the preparation of the appeal herein which your affiant intends to prepare in abstract and brief form. That this appeal involves the matter of abstracting approximately 5,000 pages of testimony and pleadings and will require argument touching upon at least seven or eight various points of law.

That by reason of the mere physical task involved, your affiant will require a reasonable amount of time in order to complete the preparation of this appeal.

Wherefore your affiant prays for an order extending the time for the defendant-appellant to file his abstract and brief in this cause to and including July 1, 1967.

That this motion is not interposed for the purpose of delay.

/s/ Jerome Berkson

Subscribed and sworn to before me
this ..... day of April, 1967..
Roslyn Simon
Notary Public

* * *

MOTION of May 3, 1967.

Now comes the defendant-appellant, Irving Shapiro, by his attorney, Jerome Berkson, and moves this Court for an order consolidating this cause #52198 with cause #51903, and allowing the defendant-appellant, to file a consolidated Abstract and Brief in both causes.

/s/ *Jerome Berkson*
Jerome Berkson
Attorney for Defendant-Appellant

State of Illinois,
County of Cook—ss.

AFFIDAVIT.

Jerome Berkson, being first duly sworn on oath deposes and says that he is the attorney retained by the defendant-appellant to prosecute this appeal and to prepare the abstracts and briefs in this cause.

That defendant-appellant has heretofore prosecuted his appeal in this court which has been docketed as cause #51003. That one of the bases of the appeal therein, is from a certain decree entered in the trial court on September 22, 1966, and from portions thereof. That cause #52198 is an appeal from certain orders entered subsequent to the entry of the decree aforesaid, and relates to matters exclusively related to said decree such as an order of judgment upon said decree; the issuance of a rule to show cause pursuant to said decree and the allowance of attorneys fees and costs for the defense of the appeal from said decree herein brought by defendant-appellant.

That by reason thereof, your affiant suggests that cause #52198 be consolidated with cause #51903 so as to enable the defendant-appellant to prepare his abstract and brief so as to include all matters arising out of the same cause in a single abstract and brief. That the consolidation of these causes would facilitate and make a single comprehensive appeal.

Wherefore your affiant prays for an order consolidating cause #52198 with cause #51903 and allowing the defendant-appellant to file a single abstract and brief in both causes as consolidated.

That this motion is not interposed for the purpose of delay.

/s/ Jerome Berkson

Subscribed and sworn to before me
this 28th day of April 1967.
Roslyn Simon
Notary Public

* * *

MOTION of June 1, 1967.

Now comes the defendant-appellant, Irving Shapiro, by Jerome Berkson, his attorney, and moves this Court for an Order extending the time to and including September 1, 1967, for the defendant-appellant to file his abstract and brief in this cause.

/s/ *Jerome Berkson*
Jerome Berkson
Attorney for Defendant-Appellant

State of Illinois,
County of Cook—ss.

Nos. 51903 and 52198 Consolidated

AFFIDAVIT.

Jerome Berkson, being first duly sworn on oath deposes and says that he is the attorney retained by defendant-appellant, to prosecute this Appeal and to prepare the abstract and brief in this cause known as #51903 and #52198 Consolidated.

That under the rules of this court, the defendant's abstract and brief is due to be filed on Thursday, June 1, 1967.

That your affiant has, for sometime past, been working exclusively upon the preparation of the abstract and brief in this cause, which is voluminous and covers orders entered in the Trial Court covering a period of five (5) years,

going back to 1962. That your affiant has elected to prepare an abstract of the record herein rather than excerpts and that such abstract is extremely voluminous and requires an unusual number of hours in preparation.

That in addition, your affiant has long previously been engaged in extensive hearings before the Interstate Commerce Commission on behalf of a client and that hearings in the matter were previously set to commence on or about June 5, 1967, in New York City, to extend for a period of approximately two weeks, which will include consecutive hearing days and which have required your affiant to spend considerable time in preparation therefor, at the expense of time which he would otherwise be able to devote to the preparation of the abstract and brief herein.

Wherefore your affiant prays for an order extending the time for the defendant-appellant to file his abstract and brief in this cause to and including September 1, 1967.

That this motion is not interposed for the purpose of delay.

/s/ Jerome Berkson

Subscribed and sworn to before me
this ..... day of May, 1967.
Roslyn Simon
Notary Public

* * *

MOTION of July 20, 1967.

Now comes the defendant-appellant, Irving Shapiro, by Jerome Berkson, his attorney, and moves this Court for an Order extending the time to and including October 1, 1967, for the defendant-appellant to file his abstract and brief in this cause.

/s/ *Jerome Berkson*
Jerome Berkson
Attorney for Defendant-Appellant

State of Illinois,
County of Cook—ss.

Nos. 51903 and 52198 Consolidated

AFFIDAVIT.

Jerome Berkson, being first duly sworn on oath deposes and says that he is the attorney retained by defendant-appellant, to prosecute this Appeal and to prepare the abstract and brief in this cause known as #51903 and #52198 Consolidated.

That under the rules of this court, the defendant's abstract and brief is due to be filed on Thursday, July 20, 1967.

That your affiant has, for sometimes past, been working exclusively upon the preparation of the abstract and brief in this cause, which is voluminous and covers orders entered in the Trial Court covering a period of five (5) years, going back to 1962. That your affiant has elected to prepare an abstract of the record herein rather than excerpts and that such abstract is extremely voluminous and requires an unusual number of hours in preparation.

Your affiant has completed the manual abstracting of the record herein and same is now being typed for proof reading and submission to the printer. That work can now be commenced upon the preparation of the Brief and Argument which will also, by necessity, be highly complicated and involved, as well as lengthy. That in addition, your affiant, during this course of time, has been engaged in several contested proceedings at the trial court level, which have necessitated numerous hours of court time at the expense of office time which could have been used in further preparation of this Appeal.

Wherefore your affiant prays for an order extending the time for the defendant-appellant to file his abstract and brief in this cause to and including October 1, 1967.

That this motion is not interposed for the purpose of delay.

/s/ Jerome Berkson

Subscribed and sworn to before me
this ..... day of July, 1967.
Roslyn Simon
Notary Public

* * *

MOTION of September 29, 1967.

Now comes the defendant-appellant, Irving Shapiro, by Jerome Berkson, his attorney, and moves this Court for an Order extending the time to and including January 1, 1968, for the defendant-appellant to file his abstract and brief in this cause.

/s/ *Jerome Berkson*
Jerome Berkson
Attorney for Defendant-Appellant

State of Illinois,
County of Cook—ss.

Nos. 51903 and 52198 Consolidated

AFFIDAVIT.

Jerome Berkson, being first duly sworn on oath deposes and says that he is the attorney retained by defendant-appellant to prosecute this Appeal and to prepare the abstract and brief in this cause known as #51903 and #52198 Consolidated.

That under the rules of this court, the defendant's abstract and brief is due to be filed on October 1, 1967.

That your affiant has been diligently working upon the preparation of the abstract and brief in this cause which,

as he has heretofore indicated to this court, is voluminous, covering a period of five (5) years going back to 1962, and that your affiant is preparing an abstract of the record herein rather than excerpts for the benefit of this court.

That several appeals have intervened so that your affiant has been required to devote a reasonable amount of time to the perfection of those appeals such as, to-wit, Smith v. Smith, docketed as cause No. 52458 in the Second Division and Hokin vs. Hokin, #66 D 4103, now being perfected in the trial court.

In addition, your affiant was required to devote a period of almost two consecutive weeks to the trial of a matter heretofore set by the Interstate Commerce Commission in the Federal District Court for this District.

With reference to this application for an extension, it should be noted that no undue burden is imposed upon the appellee in that this appeal is from a decree of separate maintenance which is still the subject of proceedings in the trial court to enforce its provisions and which the appellant is still required to defend, notwithstanding the fact this appeal herein is taken from said decree.

Wherefore your affiant prays for an order extending the time for the defendant-appellant to file his abstract and brief in this cause to and including January 1st, 1968.

That this motion is not interposed for the purpose of delay.

/s/ Jerome Berkson

Subscribed and sworn to before me
this 26th day of September 1967.
Roslyn Simon
Notary Public

* * *

MOTION of October 24, 1967.

Now comes the defendant-appellant, Irving Shapiro, by Jerome Berkson, his attorney, and move this Court for an Order extending the time to and including December 1, 1967, for the defendant-appellant to file his abstract and brief in this cause.

/s/ *Jerome Berkson*
Attorney for Defendant-Appellant

State of Illinois,
County of Cook—ss.

Nos. 51903 and 52198 Consolidated

AFFIDAVIT.

Jerome Berkson, being first duly sworn on oath deposes and says that he is the attorney retained by defendant-appellant to prosecute this Appeal and to prepare the Abstract and Brief in this cause known as #51903 and #52198 consolidated.

That your affiant, on September 29, 1967, filed a motion in this court praying for an extension for the defendant to file his Abstract and Brief in this cause to January 1, 1968. On October 10, 1967, this court allowed said motion but limited the time for filing the Abstract and Brief in this cause to October 24, 1967.

That it is literally and physically impossible for your affiant to file his Abstract and Brief herein on October 24, 1967. That as has heretofore been stated, the record herein is voluminous, covering a period of five (5) years. That the testimony alone exceeds several thousand pages, the

record exceeds 500 pages, all of which your affiant is attempting to abstract in detail for the information of this court.

That over the last several months your affiant and his entire staff almost totally engaged in work on the abstract herein so that it is now in the process of being typed and prepared for the printer and will soon be available for submission to the printer.

In addition, your affiant is diligently working on the brief which, by very nature of the volume of the record herein and the number of items being appealed from, is, of itself, lengthy and complicated.

That your affiant has been most diligent in this matter and has been making a concentrated effort to complete this Appeal, and that he will devote his fullest time and effort to completion of this Appeal by December 1, 1967, if granted time to file his Abstract and Brief to said date.

Wherefore your affiant prays for an order extending the time for the defendant-appellant to file his abstract and brief in this cause to and including December 1, 1967.

That this motion is not interposed for the purpose of delay.

/s/ Jerome Berkson

Subscribed and sworn to before me
this ..... day of October, 1967.

Roslyn Simon
Notary Public

* * *

MOTION of November 3, 1967.

Now comes the defendant-appellant, Irving Shapiro, by his attorney, Jerome Berkson, and moves this court for an Order extending the time to and including November 30, 1967, for the defendant-appellant to file his abstract and brief in this cause in accordance with the affidavit of the United States Law Printing Company attached herewith.

/s/ *Jerome Berkson*
Jerome Berkson
Attorney for Defendant-Appellant

[Affidavit]

In Re: Lee T. Shapiro
vs.
Irving Shapiro
51903 and 52198 Consolidated

State of Illinois,
County of Cook—ss.

A. J. Petrando, being first duly sworn, on oath deposes and says that he is the duly authorized agent of United States Law Printing Company; that United States Law Printing Company has been engaged by Jerome Berkson, attorney, to prepare the printed abstract in the above captioned appeal on behalf of Defendant-Appellant; that United States Law Printing Company has been working diligently in an effort to complete said work but because of the pressure of other prior commitments, and the size of this abstract, it has been unable and probably will be unable to complete said work prior to about November 30, 1967, and has so advised Jerome Berkson, as attorney for Defendant-Appellant.

/s/ A. J. Petrando

Subscribed and sworn to before me
this ..... day of November, 1967.

.....
Notary Public.

* * *

MOTION of November 17, 1967.

Now comes the defendant-appellant, Irving Shapiro, by Jerome Berkson, his attorney, and moves this Honorable Court for an order vacating the order heretofore entered herein on November 13, 1967, wherein the motion of the defendant-appellant to extend the time for filing abstract and brief herein to November 30, 1967, was denied, and wherein this appeal was dismissed.

That petitioner prays for leave to file his abstract and brief herein, instanter, same having been fully completed and printed in accordance with the rules of the Illinois Supreme Court.

/s/ *Jerome Berkson*
Jerome Berkson
Attorney for Defendant-Appellant

State of Illinois,
County of Cook—ss.

Nos. 51903 and 52198 Consolidated

AFFIDAVIT.

Jerome Berkson, being first duly sworn on oath deposes and says that he is the attorney retained by defendant-appellant to prosecute this Appeal and to prepare the Abstract and brief in this cause known as #51903 and #52198 consolidated.

That the time for the defendant-appellant to file his brief and abstract herein was heretofore set for November 5, 1967. That on November 3, 1967, your affiant filed herein, a motion to extend the time to file his abstract and brief in this cause to November 30, 1967, and attached to the aforesaid motion, the affidavit of A. J. Petrando, the

duly authorized agent of the United States Law Printing Company, requesting said extension to November 30, 1967.

That your affiant has heretofore completed the writing of the abstract and brief herein and had submitted same to the aforesaid printing company so that same could be printed and filed herein. That since the order entered by this court on November 13, 1967, dismissing this cause, your affiant has prevailed upon the printer to exert all of his energies so that he has been able to conclude the printing of the abstract and brief and same is now completed and ready to be filed herein, instanter.

That there is no unnecessary delay on the part of your affiant and that the said abstract and brief have been completed well in advance of the time previously requested for an extension. That the abstract herein consists of in excess of 400 pages and the abstract and brief have been printed at tremendous expense by defendant-appellant in order to make every effort to comply with the requirements of this court, and that in fairness and justice the defendant-appellant should be afforded the opportunity to file his abstract and brief herein, instanter.

Wherefore your affiant prays for an order vacating the order of dismissal of this appeal heretofore entered herein on November 13, 1967, and for leave to file the defendant-appellant's brief herein, instanter.

/s/ Jerome Berkson

Subscribed and sworn to before me
this 14th day of November, 1967.
Roslyn Simon
Notary Public